

## TELEFAX COVER SHEET

**MOSER, PATTERSON & SHERIDAN, LLP**  
 ATTORNEYS AT LAW  
 595 SHREWSBURY AVENUE  
 FIRST FLOOR  
 SHREWSBURY, NJ 07702  
 TELEPHONE (732) 530-9404  
 TELEFAX (732) 530-9808

RECEIVED  
 CENTRAL FAX CENTER  
 SEP 30 2004

\*\*\*\*\*  
 THIS TELEFAX MESSAGE IS ADDRESSED TO THE PERSON OR COMPANY LISTED BELOW.  
 IF IT WAS SENT OR RECEIVED INCORRECTLY, OR YOU ARE NOT THE INTENDED  
 RECIPIENT, PLEASE TAKE NOTICE THAT THIS MESSAGE MAY CONTAIN PRIVILEGED OR  
 CONFIDENTIAL MATERIAL, AND YOUR DUE REGARD FOR THIS INFORMATION IS  
 NECESSARY. YOU MAY ARRANGE TO RETURN THIS MATERIAL BY CALLING THE FIRM  
 LISTED ABOVE AT (732) 530-9404  
 \*\*\*\*\*

THIS MESSAGE HAS 9 PAGES INCLUDING THIS SHEET

TO: Commissioner of Patents  
 FAX NO.: 703-872-9306  
 FROM: Kin-Wah Tong, Esq.  
 DATE: September 30, 2004  
 MATTER: Serial No. 09/940,034 Filed: August 27, 2001  
 DOCKET NO.: ATT-027PUS (ATT 2000-0575)  
 APPLICANT: Boroditsky, et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

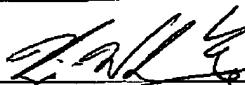
Petition  
 Disclosure Statement & PTO-1449  
 Priority Document  
 Drawings (       sheets) informal  
 Petition for Extension of Time (2 copies)  
 Response under 37 C.F.R. §1.111

Transmittal Letter  
 Fee Transmittal (2 copies)  
 Deposit Account Transaction  
 Facsimile Transmission Certificate  
 dated September 30, 2004

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on September 30, 2004, Facsimile No. 703-872-9306

KIN-WAH TONG  
 Name of person signing this certificate

  
 September 30, 2004  
 Signature and date

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/940,034
		Filing Date	August 27, 2001
		First Named Inventor	Boroditsky, et al.
		Art Unit	2633
		Examiner Name	David Payne
Total Number of Pages in This Submission		Attorney Docket Number	

<b>ENCLOSURES (check all that apply)</b>			
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <b>Facsimile transmission sheet</b>
Remarks			

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm or Individual name	KIN-WAH TONG, Reg. No. 39,400 Moser, Patterson & Sheridan, LLP		
Signature			
Date	September 30, 2004		

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	KIN-WAH TONG		
Signature		Date	September 30, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

306254 1

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

86

Complete If Known	
Application Number	09/940,034
Filing Date	August 27, 2001
First Named Inventor	Boroditsky, et al;
Examiner Name	David Payne
Art Unit	Not Yet Assigned
Attorney Docket No.	ATT-027PUS (ATT/2000-0575)

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money  Other  None  
Order
 Deposit Account:

Deposit Account Number

20-0782

Deposit Account Name

Moser, Patterson &amp; Sheridan, LLP

## The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	4 -20 **	= 0	X = 0
Independent Claims	4 -3 **	= 1	X 86 = 86
Multiple Dependent		X	= 0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		86

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 66	Surcharge - late filing fee or oath	
1052 50	2052 26	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,490	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,006	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 166	Filing a brief in support of an appeal	
1403 280	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17 (q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.128(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.128(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY						Complete (if applicable)	
Name (Print/Type)	Kin-Wah Tong, Esq.	Registration No. (Attorney/Agent)	39,400	Telephone	(732) 530-9404		
Signature				Date	September 30, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

306253-1

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

86

Complete if Known	
Application Number	09/940,034
Filing Date	August 27, 2001
First Named Inventor	Boroditsky, et al.
Examiner Name	David Payne
Art Unit	Not Yet Assigned
Attorney Docket No.	ATT-027PLUS (ATT/2000-0575)

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																							
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number 20-0782  Deposit Account Name Moser, Patterson & Sheridan, LLP				<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> </tr> </thead> <tbody> <tr> <td>Fee Code (\$)</td> <td>Fee Code (\$)</td> </tr> <tr> <td>1061 130</td> <td>2051 65</td> <td colspan="2">Surcharge - late filing fee or oath</td> </tr> <tr> <td>1052 50</td> <td>2052 25</td> <td colspan="2">Surcharge - late provisional filing fee or cover sheet.</td> </tr> <tr> <td>1053 130</td> <td>1053 130</td> <td colspan="2">Non-English specification</td> </tr> <tr> <td>1812 2,520</td> <td>1812 2,520</td> <td colspan="2">For filing a request for reexamination</td> </tr> <tr> <td>1804 920*</td> <td>1804 920*</td> <td colspan="2">Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>1805 1,840*</td> <td>1805 1,840*</td> <td colspan="2">Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>1251 110</td> <td>2251 55</td> <td colspan="2">Extension for reply within first month</td> </tr> <tr> <td>1252 420</td> <td>2252 210</td> <td colspan="2">Extension for reply within second month</td> </tr> <tr> <td>1253 950</td> <td>2253 475</td> <td colspan="2">Extension for reply within third month</td> </tr> <tr> <td>1254 1,480</td> <td>2254 740</td> <td colspan="2">Extension for reply within fourth month</td> </tr> <tr> <td>1255 2,010</td> <td>2255 1,005</td> <td colspan="2">Extension for reply within fifth month</td> </tr> <tr> <td>1401 330</td> <td>2401 165</td> <td colspan="2">Notice of Appeal</td> </tr> <tr> <td>1402 330</td> <td>2402 165</td> <td colspan="2">Filing a brief in support of an appeal</td> </tr> <tr> <td>1403 290</td> <td>2403 145</td> <td colspan="2">Request for oral hearing</td> </tr> <tr> <td>1451 1,510</td> <td>1451 1,510</td> <td colspan="2">Petition to Institute a public use proceeding</td> </tr> <tr> <td>1452 110</td> <td>2452 55</td> <td colspan="2">Petition to revive - unavoidable</td> </tr> <tr> <td>1453 1,330</td> <td>2453 665</td> <td colspan="2">Petition to revive - unintentional</td> </tr> <tr> <td>1501 1,330</td> <td>2601 665</td> <td colspan="2">Utility issue fee (or reissue)</td> </tr> <tr> <td>1502 480</td> <td>2502 240</td> <td colspan="2">Design issue fee</td> </tr> <tr> <td>1503 640</td> <td>2503 320</td> <td colspan="2">Plant issue fee</td> </tr> <tr> <td>1460 130</td> <td>1460 130</td> <td colspan="2">Petitions to the Commissioner</td> </tr> <tr> <td>1807 50</td> <td>1807 50</td> <td colspan="2">Processing fee under 37 CFR 1.17 (a)</td> </tr> <tr> <td>1808 180</td> <td>1806 180</td> <td colspan="2">Submission of Information Disclosure Stmt</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td colspan="2">Recording each patent assignment per property (1 times number of properties)</td> </tr> <tr> <td>8021 40</td> <td>8021 40</td> <td colspan="2">Request for Continued Examination (RCE)</td> </tr> <tr> <td>1809 770</td> <td>2809 385</td> <td colspan="2">Filing a submission after final rejection (37 CFR § 1.129(a))</td> </tr> <tr> <td>1810 770</td> <td>2910 385</td> <td colspan="2">For each additional invention to be examined (37 CFR § 1.129(b))</td> </tr> <tr> <td>1801 770</td> <td>2801 385</td> <td colspan="2">Request for Continued Examination (RCE)</td> </tr> <tr> <td>1802 900</td> <td>1802 900</td> <td colspan="2">Request for expedited examination of a design application</td> </tr> <tr> <td colspan="4">Other fee (specify) _____</td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> </tr> <tr> <td colspan="4">SUBTOTAL (3) (\$0)</td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	1061 130	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet.		1053 130	1053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action		1251 110	2251 55	Extension for reply within first month		1252 420	2252 210	Extension for reply within second month		1253 950	2253 475	Extension for reply within third month		1254 1,480	2254 740	Extension for reply within fourth month		1255 2,010	2255 1,005	Extension for reply within fifth month		1401 330	2401 165	Notice of Appeal		1402 330	2402 165	Filing a brief in support of an appeal		1403 290	2403 145	Request for oral hearing		1451 1,510	1451 1,510	Petition to Institute a public use proceeding		1452 110	2452 55	Petition to revive - unavoidable		1453 1,330	2453 665	Petition to revive - unintentional		1501 1,330	2601 665	Utility issue fee (or reissue)		1502 480	2502 240	Design issue fee		1503 640	2503 320	Plant issue fee		1460 130	1460 130	Petitions to the Commissioner		1807 50	1807 50	Processing fee under 37 CFR 1.17 (a)		1808 180	1806 180	Submission of Information Disclosure Stmt		Multiple Dependent		Recording each patent assignment per property (1 times number of properties)		8021 40	8021 40	Request for Continued Examination (RCE)		1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))		1810 770	2910 385	For each additional invention to be examined (37 CFR § 1.129(b))		1801 770	2801 385	Request for Continued Examination (RCE)		1802 900	1802 900	Request for expedited examination of a design application		Other fee (specify) _____				*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$0)			
Large Entity	Small Entity																																																																																																																																										
Fee Code (\$)	Fee Code (\$)																																																																																																																																										
1061 130	2051 65	Surcharge - late filing fee or oath																																																																																																																																									
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																									
1053 130	1053 130	Non-English specification																																																																																																																																									
1812 2,520	1812 2,520	For filing a request for reexamination																																																																																																																																									
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action																																																																																																																																									
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action																																																																																																																																									
1251 110	2251 55	Extension for reply within first month																																																																																																																																									
1252 420	2252 210	Extension for reply within second month																																																																																																																																									
1253 950	2253 475	Extension for reply within third month																																																																																																																																									
1254 1,480	2254 740	Extension for reply within fourth month																																																																																																																																									
1255 2,010	2255 1,005	Extension for reply within fifth month																																																																																																																																									
1401 330	2401 165	Notice of Appeal																																																																																																																																									
1402 330	2402 165	Filing a brief in support of an appeal																																																																																																																																									
1403 290	2403 145	Request for oral hearing																																																																																																																																									
1451 1,510	1451 1,510	Petition to Institute a public use proceeding																																																																																																																																									
1452 110	2452 55	Petition to revive - unavoidable																																																																																																																																									
1453 1,330	2453 665	Petition to revive - unintentional																																																																																																																																									
1501 1,330	2601 665	Utility issue fee (or reissue)																																																																																																																																									
1502 480	2502 240	Design issue fee																																																																																																																																									
1503 640	2503 320	Plant issue fee																																																																																																																																									
1460 130	1460 130	Petitions to the Commissioner																																																																																																																																									
1807 50	1807 50	Processing fee under 37 CFR 1.17 (a)																																																																																																																																									
1808 180	1806 180	Submission of Information Disclosure Stmt																																																																																																																																									
Multiple Dependent		Recording each patent assignment per property (1 times number of properties)																																																																																																																																									
8021 40	8021 40	Request for Continued Examination (RCE)																																																																																																																																									
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																									
1810 770	2910 385	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																									
1801 770	2801 385	Request for Continued Examination (RCE)																																																																																																																																									
1802 900	1802 900	Request for expedited examination of a design application																																																																																																																																									
Other fee (specify) _____																																																																																																																																											
*Reduced by Basic Filing Fee Paid																																																																																																																																											
SUBTOTAL (3) (\$0)																																																																																																																																											
*or number previously paid, if greater; For Reissues, see above																																																																																																																																											
SUBMITTED BY						Complete (if applicable)																																																																																																																																					
Name (Print/Type)	Kin-Wah Tong, Esq.	Registration No. (Attorney/Agent)	38,400	Telephone	(732) 530-9404																																																																																																																																						
Signature				Date	September 30, 2004																																																																																																																																						

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-785-9199) and select option 2.

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:  
Boroditsky et al.**

Serial No.: 09/940,034

Confirmation No.: 4894

Filed: August 27, 2001

For: HIGH-CAPACITY  
PACKET-SWITCHED  
RING NETWORK

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Group Art Unit: 2633

**RECEIVED  
CENTRAL FAX CENTER**

Examiner: David Payne

Dear Sir:

**RESPONSE TO OFFICE ACTION DATED JUNE 30, 2004**

In response to the Office Action dated June 30, 2004 (Paper No./Mail Date 4), having a shortened statutory period for response set to expire on September 30, 2004, please enter this response and reconsider the claims pending in the application for reasons discussed below.